



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,529	03/17/2004	Thomas J. Bachinski	12929.1144US01	3514

7590 06/02/2005
Merchant & Gould P.C.
P.O. Box 2903
Minneapolis, MN 55402-0903

EXAMINER

LEE, JINHEE J

ART UNIT	PAPER NUMBER
----------	--------------

2831

DATE MAILED: 06/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

21

Office Action Summary	Application No. 10/802,529	Applicant(s) BACHINSKI ET AL.	
	Examiner Jinhee J. Lee	Art Unit 2831	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) 16-31 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>0704</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Claims 16-31 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected group, there being no allowable generic or linking claim. Election was made **without** traverse in Paper dated 5/9/05.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Lujic (4319126).

Re claim 1, Lujic discloses a connection system suited for use with a fireproofed electronic device, the system comprising a heat conductive structure (unnumbered, see figure 3 for example) configured to transfer a communication signal and having a connection point that includes a heat sensitive material (14 for example), wherein heat applied to the heat conductive structure modifies the heat sensitive material to thermally separate the heat conductive structure at the connection point (see abstract).

Re claim 2, Lujic discloses a connection system further comprising a biasing member (15 for example) configured to apply a tension force at the connection point (see figure 3 and column 3 lines 55-56 according to the numbering in the middle).

Re claim 3, Lujic discloses a connection system, wherein the heat sensitive material is a low temperature solder (see column 3 line 59).

Re claim 5, Lujic discloses a connection system, wherein the heat conductive structure includes first and second wire members (see column 1 line 64) that are coupled together at the connecting point with the heat sensitive material (see figure 3).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lujic.

Re claim 4, Lujic substantially discloses a connection system as set forth in claim 1 above. Lujic does not explicitly disclose wherein the heat conductive structure includes a co-axial cable. The examiner takes official notice that it would have been

obvious to use cables that are co-axial cable, since co-axial cables are well known type of cables.

7. Claims 6-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lujic in view of Hastings et al. (4748915).

Re claim 6, Lujic substantially discloses a connection system as set forth in claim 5 above. Lujic does not explicitly disclose wherein the first wire member is configured to extend through an exterior wall of a heat resistant container that houses the electronic device, and the second wire member is configured to be coupled to the electronic device stored in the heat resistant container. However, Hastings et al. teaches of a first wire member that is configured to extend through an exterior wall of a heat resistant container (200 for example) that houses the electronic device, and the second wire member that is configured to be coupled to the electronic device stored in the heat resistant container (see abstract, column 19 lines 64-66). It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the container of Hastings et al. on the system of Lujic order to provide fire-proof housing.

Re claim 7, Lujic substantially discloses fireproof system for protecting a heat sensitive device, the system comprising: a connection system with the heat conductive structure being configured to transfer a communication signal with a heat sensitive material;

whereby a heat source applied to the heat conductive structure modifies the heat sensitive material to thermally separate the heat sensitive device from the heat source

(see abstract). Lujic does not explicitly disclose a heat resistant container having an internal chamber sized to house the heat sensitive device', and the connection system including a heat conductive structure that extends from outside the heat resistant container into the internal chamber of the heat resistant container, that transfer the signal from outside the heat resistant container to the heat sensitive device, the heat conductive structure having a connection point inside the internal chamber. However, Hastings et al. teaches of a heat resistant container (200 for example) having an internal chamber sized to house a heat sensitive device', and the connection system including a heat conductive structure that extends from outside the heat resistant container into the internal chamber of the heat resistant container, that transfer the signal from outside the heat resistant container to the heat sensitive device, the heat conductive structure having a connection point inside the internal chamber. (see abstract, column 19 lines 64-66). It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the container of Hastings et al. on the system of Lujic order to provide fire-proof housing. Note that, it has been held that the functional "whereby" statement does not define any structure and accordingly can not serve to distinguish. *In re Mason*, 114 USPQ 127, 44 CCPA 937 (1957).

Re claim 8, note that Lujic teaches of a system further comprising a biasing member configured to apply a tension force to the heat conductive structure at the connection point.

Re claim 9, note that Hastings et al. discloses a system wherein the heat resistant container includes an aperture extending between the interior and an exterior

of the heat resistant container, the system further comprises a heat resistant feed-through member that extends through the aperture, and the first cable member extends through the heat resistant feed-through member (see column 19 lines 64-66 and column 23 lines 33-41).

Re claim 10, note that Hastings et al. discloses a system wherein the heat sensitive device is a computer hardware device (see abstract).

Re claim 11, note that Hastings et al. discloses a system further comprising a heat resistant adhesive positioned within the heat resistant feed-through adjacent to the heat conductive wire (see column 23 line 56 for example).

Re claim 12, note that Hastings et al. discloses a system wherein the heat resistant container comprises first and second housing members (225a and b) defining the internal chamber, the first and second housing members being sealed together with a heat resistant sealant (column 24 lines 7-16).

Re claim 13, note that Hastings et al. discloses a system, wherein the heat resistant container includes a ceramic fiber and a binder material (column 25 lines 15-22 for example).

Re claims 14 and 15, the method of forming a device is not germane to the issue of patentability of the device itself. Therefore, this limitation has not been given patentable weight.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jinhee J Lee whose telephone number is 571-272-1977. The examiner can normally be reached on M, T, Th and F at 6:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean A Reichard can be reached on 571-272-2800 ext. 31. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jinhee J Lee
Patent Examiner
Art Unit 2831

A handwritten signature in black ink, appearing to read 'Jinhee J Lee', with a long horizontal flourish extending to the right.

jjl